UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,160	08/31/2001	Steven Viavant	50277-1747	1591

42425   7590   10/18/2005

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ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 August 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-42 and 44-84* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-42 and 44-84* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Response to Arguments

Claims 1, 3-42 and 44-84 are pending in this application.

Claims 2 and 43 have been cancelled in response filed 08/18/2005.

Applicant's arguments filed 08/18/2005 have been fully considered but they are not

persuasive.

In response to applicant's argument that Burgess and Grimm does not teach or suggest

the process of "intercepting an item generated by an application program and that is to be sent to

a client process prior to arrival of the item at the client process" and "modifying the item

transparently with respect to the application program to produce a modified item", Examiner

disagrees.

Applicant respectfully admitted that Grimm discloses the process for modifying a

software component by adding a code to the original software component to generate a modified

software component and the process of intercepting the software component for analysis

(remarks, page 17 2nd paragraph), however applicant argues that Burgess and Grimm does not

teach or suggest the process of "intercepting an item generated by an **application program** and

that is to be sent to a client process prior to arrival of the item at the client process" and

"modifying the item **transparently with respect to the application program** to produce a

modified item". That is the item be generated by an application program and further modified

transparently with respect to application program (remarks, page 17-18).

In response to the applicant's argument that the item be generated by an application

program, it is obvious that the software component or codes are generated by an application

program and/or program i.e. software components are obviously generated by the application

programs. Grimm does not necessarily teach when the software component was generated (i.e.

the software code must have been generated using the application program at some point and is

stored in the storage), however the rejected claims in the application does not teach or suggest

when the item was generated either whereas generating the software component (item) by

application programs is obvious as discussed above. Therefore, the software component (item) of

Grimm is indeed generated by the application program as is known in the art.

The recited limitation "transparently with respect to the application program" renders the

claim indefinite because it fails to disclose the intended teaching of the phrase "transparently"

and further it is unclear when the item would be modified. Therefore the examiner has

interpreted the limitation "modifying the item transparently with respect to the application

program to produce modified item" simply as "modifying item to produce a modified item" (see

the action below).

Therefore, Burgess and Grimm does teach and suggest intercepting a software component

(item which obviously is generated by an application program at some point and/or time) that is

to be sent to a client process prior to arrival of the item at the client process, and modifying the

software component (item which again would have been obviously modified with respect to

application program, when it is obvious that the software component is generated by application

program) to produce a modified item.

Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

Applicant admitted that Grimm does describes the process of "determining whether to generate a modified software component based upon information determined by introspection service" (remarks, page 18), however argues that Grimm does not teach or suggest "determining whether to generate a **modified software component based upon a type** associated with the software component". Column 2 L40-50 and column 4 L23-34 of Grimm teaches that the information determined by the introspection service includes abstractions or object types associated with the software component (interpreted as types, as the rejected claims fails to teach what the phrase "type" is referring to) and therefore Grimm does teach "determining whether to generate a modified software component based upon information determined (i.e. based upon a type) by the introspection service.

The Rejection is maintained by the Examiner.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1.   Claims 1, 3, 42, 44, 83 and 84 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "transparently with respect to the application program" renders the claim indefinite because it fails to clearly define the claimed limitation and fails to provide an intended teaching. Furthermore, applicant discloses the process of intercepting an item as accessing the item from a cache memory (claim 21), so the process involves accessing

the item in the cache and modifying the item. Therefore, it is unclear what the recited limitation

"transparently with respect to the application program" means to cover.

Claims 3, 42, 44 and 83 recites the same limitation and is therefore rejected for the same

reasons as set forth in claim 1.

Claim 84 recites the limitation "the elements" and "the data" in the claim. There is

insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

2.   Claims 42, 44-82 and 84 are rejected under 35 U.S.C. 101 because the claimed invention

is directed to non-statutory subject matter.

Claims 42, 44-82 and 84 are not limited to tangible embodiments. In view of applicant's

disclosure, specification paragraph [0199-0201], the medium is not limited to tangible

embodiments, instead being defined as including both tangible embodiments (e.g. RAM, ROM

etc.) and intangible embodiments (e.g. carrier waves). As such, the claims are not limited to

statutory subject matter and are therefore non-statutory.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3.   Claims 1-5, 7, 8-20, 29, 42-46, 48-61, 70 and 83 are rejected under 35 U.S.C. 103(a) as being obvious over Burgess et al (U. S. Patent No. 5,696,701) in view of Grimm et al (U. S. Patent No. 6,317,868 B1).

As per claim 1, Burgess discloses a code (col. 3 L43-45), which causes one or more processors (fig. 2 item #26) on the client device to perform the steps of: measuring performance related to a service associated with the item (col. 3 L43-45 and col. 7 L60-65), and performing one or more acts based on a measurement resulting from said step of measuring performance (col. 7 L65-67 to col. 8 L1-11).

However, Burgess does not explicitly disclose intercepting an item that is to be sent to a client process prior to the arrival of the item at the client process; modify the item to produce a modified item that includes a code; and sending the modified item to the client process.

Grimm et al., from the same field of endeavor, explicitly disclose intercepting a software component prior to execution on the component system (see abstract; col. 4 L23-26); modifies the original component by adding code to it producing a modified software component (col. 4

L31-34); and linking and loading the modified software component into the system (read as sending the modified item) (col. 5 L49-51).

At the time of the invention it would have been obvious to a person of ordinary skilled in the art to incorporate the teaching of Grimm as stated above with the system and method of Burgess in order to intercept, modify and link the component or item to the client system.

The motivation for doing so would have been because this would allow flexible upgrades to the performance monitoring capability and would also allow easy tracking of the configuration of computer systems in the scalable network (Burgess, col. 1 L45-67 to col. 2 L1-30) and would further enable service providers to provide the services more accurately and efficiently.

As per claim 2, Burgess does not explicitly disclose the process of modifying the item is performed transparently relative to an application that generates the item for the service. Grimm explicitly discloses the process of modifying the item is performed transparently relative to an application that generates the item (col. 4 L23-34). Therefore, it would have been obvious to a person of ordinary skilled in the at the time invention was made to incorporate the teaching of Grimm as stated above with the system and method of Burgess in order to modify the item transparently relative to an application that generates the item. The motivation for doing so would have been the same as provided for claim 1.

As per claim 3, Burgess discloses the process of measuring performance and performing one or more acts based on measurement are performed transparently relative to a user of the client process (col. 2 L23-32 and col. 8 L7-11).

As per claim 4, Burgess discloses the step of performing one or more acts based on the

measurement further comprising the step of sending data indicating the measurement to an entity

over a network (col. 3 L45-51).

As per claim 5, Burgess further teaches step of sending the data to an entity further

comprising storing the data in a data structure (col. 3 L62-67) that is automatically sent to a

server device associated with said service in response to a later request from the client process

for said service (col. 2 L33-35).

As per claim 7, Burgess teaches the process of sending data to an entity further comprises

sending the request including the data to a server device (col. 4 L20-26), however, Burgess does

not explicitly teach the step of modifying the item includes adding code to the item that causes

the client process to issue a request. Grimm explicitly discloses adding code to the software

component (read as item, col. 4 L31-34) and the client system to which the original software

component was directed for execution issuing a command (request) to load the software (col. 4

L62-67). Therefore, it would have been obvious for one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Grimm as stated above with Burgess' system

and method for the purpose of adding code the original item that causes the client to issue

request. The motivation for doing so would have been same as set forth above for claim 1.

As per claim 8, Grimm discloses a method where the request is made for loading a

software component (read as request for a particular file, col. 4 L62-67 to col. 5 L1-5). Grimm

does not explicitly teach the process wherein, in response to the request for particular file, no

change is made by the client process to a page already rendered on a display of the client device,

However, it would have been obvious to a person of ordinary skilled in the art at the time the

invention was made to modify Grimm and make no change to a page already rendered on a display of the client device. One of ordinary skilled in the art would have been motivated because in doing so would have enabled the accurate measurement of the performance related to a service.

As per claim 9, Burgess teaches storing the data indicating the measurement in a log file on a server device (col. 3 L62-67; fig. 8 block #140).

As per claim 10, Burgess teaches storing the data indicating the measurement in a database of the entity on the network (fig. 8 block #140 and col. 10 L56-60; col. 3 L62-67 and col. 4 L40-46).

As per claim 11, Burgess teaches the process of receiving over a network data indicating the measurement from the client process (col. 4 L40-42; col. 2 L33-37); and performing one or more acts based on the data indicating the measurement (col. 8 L3-11; col. 7 L60-67 to col. 8 L1-11).

As per claim 12, Burgess teaches determining whether the data indicates performance has fallen below a threshold; and if the data indicates performance has fallen below the threshold, then sending a notification message (col. 6 L40-49).

As per claim 13, Burgess teaches determining whether the measurement (read as captured data) indicates performance has fallen below a threshold; and if the data indicates performance has fallen below the threshold, then sending a notification message (col. 6 L40-49).

As per claim 14, Burgess teaches the step of sending a notification message comprising sending the notification message to an administrator for a server device associated with said service (col. 6 L64-67 to col. 7 L1-5; col. 4 L13-15; col. 2 L38-45).

As per claim 15, Burgess teaches the step of sending notification message comprising

sending the notification message to a user of the client process (col. 7 L4-12; fig. 2 block #40).

As per claim 16, Burgess discloses the measurement is a client response time between a

first time when a user of the client process selects an item on a first web page rendered on a

display of the client device and a second time when a second web page is fully rendered on the

display of the client device (col. 7 L15-20 and col. 8 L25-65).

As per claim 17, Burgess discloses the code further causes the one or more processors on

the client device to perform the step of collecting ancillary information relating to one or more

components of the client process that participate in obtaining the service from the application

(col. 7 L4-25 and L60-65; col. 8 L56-65); and said step of performing one or more acts based on

the measurement includes correlating the measurement with the ancillary information (col. 7

L65-67 to col. 8 L1-5).

As per claim 18, Burgess does not disclose the process of determining a type associated

with the item and determining whether to perform said step of modifying the item based on the

type of the item. Grimm discloses determining a type associated with the component (col. 2 L40-

43), and determining whether to perform said step of modifying the item based on the type of the

item (i.e. Grimm teaches modifying the software component based on the information

determined by the introspection service, col. 4 L23-34 and this information includes a type, col.

2 L40-50). Therefore, it would have been obvious for one of ordinary skill in the art at the time

the invention was made to modify Burgess in view of Grimm, in order to make a decision of

modifying the item based on the type associated with the item. One of ordinary skill in the art

would have been motivated because doing so would have avoided the burdensome of tracking

the performance data if the type of the item is not supported.

As per claim 19, Grimm discloses determining a unique reference (read as security

identifier) associated with the item (col. 5 L41-44), however, Grimm does not explicitly teach

determining whether to perform said step of modifying the item based on whether the unique

reference matches a particular reference. Nonetheless, Grimm teaches based upon the

information determined by introspection service, how to modify the software component (read as

item, col. 4 L24-34; col. 5 L13-38) and interpreting the two security identifier (read as matching

two references, col. 6 L42-57). Therefore, it would have been obvious for one of ordinary skilled

in the art at the time the invention was made to modify Grimm to make a decision based on the

particular reference. One of ordinary skill in the art would have been motivated to modify

Grimm to make a decision of modifying item based on unique reference because doing so would

have blocked the unauthorized users from accessing the services offered by the providers and

would have only allow authorized users.

As per claim 20, Burgess and Grimm does not explicitly disclose the process of

determining a percentage of modified items relative to items to be sent to the client process and

determining whether to perform said step of modifying the item based on whether the percentage

is below a particular percentage, However, Burgess teaches monitoring the percentage of time

devoted to disk access, the percentage of time devoted to disk reads, the percentage of time

devoted to disk writes, the percentage of free space available, and the percentage of usage of the

paging file (col. 8 L33-65), and Grimm teaches the process of modifying the document by

intercepting the document for analysis and based upon the information determined by the

introspection service, the document is modified (col. 4L23-34). Therefore, it would have been obvious to a person of ordinary skilled in the art to modify Burgess and Grimm's method in order to determine the percentage of modified items and based on that taking a decision of whether to perform step of modifying the item. One of ordinary skilled in the art would have been motivated because doing so would have enabled the system to make a robust decision.

As per claim 29, Burgess does not explicitly teach the step of modifying the item further comprising appending the code to the end of the item. On the other hand, Grimm, from the same field of endeavor, explicitly discloses adding code (read as appending) to the original software component (read as item). At the time of the invention it would have been obvious to a person of ordinary skilled in the art to incorporate the teaching of Grimm as stated above with the system and method of Burgess in order to add the code to the item. The motivation for doing so would have been the same as the motivation provided in claim 1 above.

As per claims 42-46, 48-61, 70, and 83, they do not teach or further limit over the limitations in claims 1-5, 7, 8-20 and 29. Therefore, claims 42-46, 48-61, 70 and 83 are rejected for the same reasons set forth in claims 1-5, 7, 8-20 and 29.

1.   Claims 6 and 47 are rejected under 35 U.S.C. 103(a) as being obvious over Burgess et al (U. S. Patent No. 5,696,701) in view of Grimm et al (U. S. Patent No. 6,317,868 B1) and further in view of Dustan et al. (U. S. Patent No. 5,884,312).

As per claim 6, neither Burgess nor Grimm explicitly discloses the client process as a web browser and the data structure is a cookie stored on the client device by the web browser.

Dustan et al., from the same field of endeavor, explicitly discloses client system with a web browser wherein web browser includes memory storage locations, such as cookies, that are used to store session id (col. 10 L37-50).

At the time of the invention it would have been obvious to a person of ordinary skilled in the art to incorporate the teaching of Dustan with the Burgess and Grimm's system for the purpose of using cookies that's stored on the client device by the web browser.

One of ordinary skill in art would have been motivated because doing so would have enabled storing the various session or event identifiers and maintaining the sessions (Dustan, col. 10 L40-43). It would have also provided a system for securely accessing information from disparate data sources having provided too little security (Dustan, col. 2 L25-54).

As per claim 47, it does not teach or further limit over the limitation in claim 6. Therefore, claim 47 is rejected for the same reason as set forth in claim 6.

2.   Claims 21-23 and 62-64 are rejected under 35 U.S.C. 103(a) as being obvious over Burgess et al (U. S. Patent No. 5,696,701) in view of Grimm et al (U. S. Patent No. 6,317,868 B1) and further in view of Mattis et al. (U. S. Patent No. 6,209,003 B1).

As per claim 21, neither Burgess nor Grimm explicitly discloses the process wherein the item to be sent to the client process is stored in a cache before the item is sent to the client process; said step of intercepting the item comprises accessing the item in the cache; and said step of sending the modified item to the client process comprises replacing the item in the cache with the modified item. Mattis et al, from the same filed of endeavor, teaches storing data in a cache memory (col. 1 L53-62), accessing or retrieving data from a cache memory (col. 1 L62-65) and insightfully selecting the documents to be replaced (col. 4 L35-40). Therefore, it would have

been obvious to a person of ordinary skilled in the art at the time the invention was made to

incorporate the teaching of Mattis as stated above with Burgess and Grimm for the purpose of

storing the item in a cache prior to sending, accessing the item from the cache and replacing the

item in the cache with the modified item. One of ordinary skill in the art would have been

motivated to do so because of the high speed of operation of the cache memory to thereby

increase the overall speed of operation of the computer system such as server. It would have also

decrease the time required to fetch frequently requested documents thereby increasing overall

efficiency of the system and would have further improved the user response speed and traffic

reduction (Mattis, col. 4 L1-40).

As per claim 22, neither Burgess nor Grimm explicitly discloses the cache memory is on

a server device associated with the service. Mattis explicitly discloses cache located in a proxy

server (a server, col. 1 L65-67; fig. 2 item #80 and #30). Therefore, it would have been obvious

to a person of ordinary skilled in the art at the time the invention was made to implement the

cache memory on a server device. One of ordinary skilled would have been motivated because

doing so would have improved processing speed (transaction time) and performance of the client

computer and would have also enabled data storage of popular information objects in

repositories (Mattis, col. 1 L53-65).

As per claim 23, neither Burgess nor Grimm explicitly discloses the cache memory

implemented on a proxy server for the client process. Mattis explicitly discloses, the cache is

located in a proxy server that is logically interposed between the clients and the web server (col.

1 L65-67 to col. 2 L1-5; fig. 2 item #80 and #30). Therefore, it would have been obvious to a

person of ordinary skilled in the art at the time the invention was made to locate the cache on a

proxy server as taught by Mattis with the Burgess and Grimm's system. One of ordinary skill in

the art would have been motivated because in that arrangement, the number and volume of data

transfers along the link are greatly reduced and as a result, network resources or objects are

provided more rapidly to the clients (Mattis, col. 2 L1-14).

As per claims 62-64, they do not teach or further limit over the limitations in claims 21-

23. Therefore, claims 62-64 are rejected for the same reasons set forth in claims 21-23.

3.   Claims 24-27 and 65-68 are rejected under 35 U.S.C. 103(a) as being obvious over

Burgess et al (U. S. Patent No. 5,696,701) in view of Grimm et al (U. S. Patent No. 6,317,868

B1) and further in view of Simonoff et al. (U. S. Patent No. 5,944,784).

As per claim 24, neither Burgess nor Grimm discloses the system wherein the item

includes hypertext markup language (HTML) statements; and the client process is a web

browser.

Simonoff et al., from the same field of endeavor, discloses the techniques for distributing

applications within hypertext markup language (html) documents sent by the server to the client

with java-enabled web browser (col. 2 L12-56).

At the time of the invention it would have been obvious to a person of ordinary skilled in

the art to incorporate the teaching of Simonoff as stated above with the system and method of

Burgess and Grimm in order to provide a code in html format to the web browser.

The motivation for doing so would have been because html documents have expanded

capabilities by virtue of their use of scripting language such as JavaScript (Simonoff, col. 2 L22-

26). HTML would have been utilized to implement documents on the Internet together with a

general-purpose secure communication protocol for a transport medium between the client and

the server. HTML is a simple data format used to create Hypertext documents that are portable

from one platform to another which would have been appropriate for representing information

from a wide range if domains. In general, html documents has been the dominant technology

used in development of Web-based solutions.

As per claim 25, neither Burgess nor Grimm discloses the web browser configured to run

JavaScript; and the code comprising JavaScript statements. Simonoff explicitly discloses a java-

enabled Web browser with java interpreter on the client device capable of executing JavaScript

statements (col. 2 L22-56; col. 3 L7-30). At the time of the invention it would have been obvious

to a person of ordinary skilled in the art to incorporate the teaching of Simonoff as stated herein

with the system of Burgess and Grimm in order to provide a code including JavaScript

statements and web browser configured to run java script. The motivation for doing so would

have been because it would have enabled various components to share text data, maps and

photographs in conveying tactical data or would have provided the capability of simple data

presentation applications (Simonoff, col.1 L35-54, col. 3 L6-29). And it would have also

improved the performance on the client side by supporting the notion of client-side validation

and offloading appropriate processing onto the client, enabled the creation of dynamic, real-time

Web applications and would have further provided to ability to create a wide variety of user

interface components.

As per claim 26, neither Burgess nor Grimm explicitly discloses the code that conforms

to a scripting language. Simonoff discloses the code that complies (read as conform) with the

scripting language such as javascript (col. 2 L22-56). Therefore, it would have been obvious to a

person of ordinary skilled in the art at the time the invention was made to incorporate the

teaching of Simonoff as stated above with the system and method of Burgess and Grimm in

order to conform the code with the scripting language. One of ordinary skilled in the art would

have been motivated because the data generated using the scripting language would have been

transferred to a common gateway interface (CGI) program in the conventional manner

(Simonoff, col. 2 L23-35).

As per claim 27, neither Burgess nor Grimm discloses the code comprising a Java applet,

but Simonoff explicitly teaches the process where the server provides clients with Java applets

embedded into the html document (col. 2 L57-67 to col. 3 L29). At the time of the invention it

would have been obvious to a person of ordinary skilled in the art to incorporate the teaching of

Simonoff as stated above with the system and method of Burgess and Grimm for the purpose of

developing a code using java applets. One of ordinary skilled in the art would have been

motivated to modify Burgess and Grimm to include java applets because doing so would have

enabled clients to effectively interface with each data sources and it would have also permitted

decreased development time (Simonoff, col. 3 L1-29). Also, Java applets would have allowed

developers to add "interactive content" to Web documents (e.g. simple animations, page

adornments, basic games, etc.).

As per claims 65-68, they do not teach or further define over the limitations in claims 24-

27. Therefore, claims 65-68 are rejected for the same reasons set forth in claims 24-27.

4.   Claims 28,30, 69 and 71 are rejected under 35 U.S.C. 103(a) as being obvious over

Burgess et al (U. S. Patent No. 5,696,701) in view of Grimm et al (U. S. Patent No. 6,317,868

B1) and further in view of Hoskins et al. (U. S. Patent No. 6,108, 662).

As per claim 28, neither Burgess nor Grimm discloses the code comprising an ActiveX

module.

Hoskins, from the same field of endeavor, teaches the functions provided by ActiveX

technologies, to give developers and Web designers wherewithal to build dynamic content for

the Internet (col. 12 L38-56).

At the time of the invention it would have been obvious to a person of ordinary skill in

the art to incorporate the teaching of Hoskins as stated above with the system and method of

Burgess and Grimm for the purpose of using ActiveX technologies.

One of ordinary skill in the art would have been motivated because doing so would have

enabled developers to embed parts of the software in Hypertext markup language (HTML) pages

and to build dynamic contents for the Internet and personal computers (Hoskins, col. 12 L38-51).

As per claim 30, Hoskins discloses html documents with generic semantics that are

appropriate for representing information from wide range of domains (read as document

including markup language statements, col. 11 L41-56) and the building blocks that enable

developers to embed parts of software in Hypertext markup language HTML pages (read as

inserting code in html document, col. 12 L45-49). At the time of the invention it would have

been obvious to a person of ordinary skilled in the art to incorporate the teaching of Hoskins to

include markup language statements and inserting code in the statements. One of ordinary skill

in the art would have been motivated because doing so would have enabled building the dynamic

content for the Internet.

As per claims 69 and 71, they do not teach or further define over the limitations in claims

28 and 30. Therefore, claims 69 and 71 are rejected for the same reasons set forth in claims 28

and 30.

5.   Claims 31-32 and 72-73 are rejected under 35 U.S.C. 103(a) as being obvious over

Burgess et al (U. S. Patent No. 5,696,701) in view of Grimm et al (U. S. Patent No. 6,317,868

B1) and further in view of Nasu et al. (U. S. Patent No. 5,671,402).

As per claim 31, Burgess and Grimm explicitly disclose adding a code to a component

(Grimm, col. 4 L31-34), however, neither Burgess nor Grimm disclose the process of measuring

performance comprising starting a time measurement based on a first code and ending a time

measurement based on the second code.

Nasu, from the same field of endeavor, explicitly discloses a function for deriving a start

time of the program, and a function for deriving an end time of the program (col. 1 L10-32 and

fig. 17 item #31 and #33).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to incorporate the teaching of Nasu as stated above with the system and

method of measuring performance of Burgess and Grimm for the purpose of time measurement.

One of ordinary skilled in the art would have been motivated because doing so would

have enabled a method of evaluating the data processing rate or rate performance (Nasu, col. 1

L10-12, L33-35).

As per claim 32, Grimm teaches the process where a user who is executing the modified

software component is authenticated before the software component is enabled to be executed

(read as first code is executed, col. 3 L4-6), and the code is executed in response to fully loading

the component (fig. 2 item #22 and fig. 3A item #150; col. 6 L5-14).

As per claim 72-73, they do not teach or further define over the limitations in claims 31

and 32. Therefore, claims 72-73 are rejected for the same reasons set forth in claims 31 and 32.

6.   Claims 33-41,74-82 and 84 are rejected under 35 U.S.C. 103(a) as being obvious over

Burgess et al (U. S. Patent No. 5,696,701) in view of Grimm et al (U. S. Patent No. 6,317,868

B1) and further in view of Raz et al (U. S. Pub. No. 2001/0037400 A1).

As per claim 33, Grimm teaches the process where the code is executed upon arrival of

the first code at the client process (col. 3 L4-6; col. 6 L5-14), however, neither Burgess and nor

Grimm teaches the process where the code is executed in response to a data structure generated

by the client process after arrival of the first code.

Raz, from the same field of endeavor, explicitly discloses the code including first set of

execution code, execution code for user interface (read as generating a data structure or cookie,

pg. 5, para. 57) and second set of execution code (executed after the first code and in response to

code executed for user interface, fig. 5).

Therefore, it would have been obvious to a person of ordinary skilled in the art to

incorporate the teaching of Raz as stated above with the system and method of Burgess and

Grimm for execution of the second code in response to data structure generated by client process.

One of ordinary skilled in the art would have been motivated because doing so would

have enabled the system to keep track of the events and also provide the security measurement

by using cookies. And it would have also enabled network planners to monitor the performance

and take actions based on the obtained performance statistics (Burgess, col. 1 L35-58).

As per claim 34, Burgess teaches that each event is associated with an event

identification number (read as data structure) identifying particular events (col. 6 L11-40).

As per claim 35, Burgess teaches the event is a message received from an operating

system executing on the client device (col. 5 L35-51).

As per claim 36, Burgess teaches the process of manipulation of a control of the client

device by a user (col. 7 L60-67 to col. 8 L1-36).

As per claim 37, Burgess discloses the process where the code causes processor to

perform the step of measuring performance (col. 3 L43-45).

As per claim 38, Burgess discloses the process where the code causes processor to record

a current time (col. 3 L43-45 and col. 8 L23-65).

As per claim 39, Burgess in view of Grimm discloses the interposition service which can

create a new modified software component (read as code) to replace the previous modified

software component (col. 5 L51-63), However, Burgess in view of Grimm does not explicitly

disclose the item to be sent to the client process includes third code to be executed in response to

the data structure generated by the client process. Raz explicitly discloses the process where the

code (read as third code) is executed in response to the data structure (cookie) generated by the

client process (fig. 5 item # 500 and pg. 5 para. 57). Therefore, it would have been obvious to a

person of ordinary skilled in the art at the time the invention was made to incorporate the

teaching of Raz as stated above with the system and method of Burgess and Grimm in order to

execute the code in response to the data structure generated and replacing the code with another

code. The motivation for doing so would have been same as set forth for claim 33 above.

As per claim 40, neither Burgess nor Grimm discloses the code including first code

executed in response to a data structure describing a first event generated by the client process

and second code executed in response to a data structure describing a second event generated by

the client process. Raz teaches the execution of code in response to a data structure-describing

event generated by browser (fig. 5 item #520, 515 and pg. 5, para. 57 and fig. 4 item #406).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the

invention was made to modify the teaching of Raz where the first code would be executed in

response to a data structure describing a first event generated by the browser and second code

executed in response to a data structure describing a second event generated by the browser, and

incorporate it with Burgess and Grimm's system and method. One of ordinary skilled in the art

would have been motivated because this would have enabled the event management and further

would have caused protected domain transfers.

As per claim 74-82, they do not teach or further define over the limitations in claims 33-

41. Therefore, claims 74-82 are rejected for the same reasons as set forth in claims 33-41.

As per claim 84, it does not teach or further define over the limitations in claims 1-41.

Therefore, claim 84 is rejected for the same reasons as set forth in claims 1-41. (Examiner has

interpreted first set of instruction as first code and second set of instructions as second code).

Additional References

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

    a.   Mortensen et al., U. S. Patent No. 5,481,735.

    b.   Lahr, Pub. No.: US 2002/0040366 A1.

    c.   Guthrie, U. S. Patent No. 6,266,681 B1.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-

5863. The examiner can normally be reached on Flex schedule 8 hr days (10.00am-6.30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 14, 2005.

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